



UNITED STATES PATENT AND TRADEMARK OFFICE

107
UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/780,873	02/19/2004	Lewis Barton	2650.0001	2423

7590

03/11/2005

Kevin J. McNeely, Esq.
5301 Wriley Road
Bethesda, MD 20816

EXAMINER

BROCKETTI, JULIE K

ART UNIT

PAPER NUMBER

3713

DATE MAILED: 03/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/780,873

Applicant(s)

BARTON, LEWIS

Examiner

Julie K Brockett

Art Unit

3713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 February 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

Color photographs and color drawings are acceptable only for examination purposes unless a petition filed under 37 CFR 1.84(a)(2) is granted permitting their use as acceptable drawings. In the event that applicant wishes to use the drawings currently on file as acceptable drawings, a petition must be filed for acceptance of the color photographs or color drawings as acceptable drawings. Any such petition must be accompanied by the appropriate fee set forth in 37 CFR 1.17(h), three sets of color drawings or color photographs, as appropriate, and, unless already present, an amendment to include the following language as the first paragraph of the brief description of the drawings section of the specification:

The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawing(s) will be provided by the Office upon request and payment of the necessary fee.

Color photographs will be accepted if the conditions for accepting color drawings have been satisfied.

Figure 1 has some shading in color. Applicant is required to file a petition for the color drawing or change the figure to not include any color other than black and white.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States:

Claims 1-3, 5-8, 10 and 12-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Martin, U.S. Patent No. 5,618,232. Martin discloses a method of gaming in a mobile casino supervised from a supervisory location. Data is collected from the mobile casino and sent to the supervisory location (See Martin col. 5 lines 45-59; col. 4 lines 9-12; Fig. 1) [claim 1]. The collecting data comprises collecting payoff information (See Martin col. 4 lines 50-53) [claim 2]. The data comprises collecting gaming revenue information (See Martin col. 4 lines 27-29) [claim 3]. For example, the gaming device is connected to the system controller, the amount of money a player is awarded is sent to the system controller since the system controller can control the player's account balance. Furthermore, the amount of money the casino takes in, i.e. gaming revenues is also sent to the system controller because the amount the player wagers is sent to the system controller, and casino takes a portion of the wager as profit. The collecting data comprises collecting geographic position information (See Martin col. 5 lines 5-25) [claim 5]. The operational mode of the gaming equipment changes based on the geographic position information (See Martin col. 5 lines 26-44) [claim 6]. The mobile

casino can comprises a train, bus, or boat such that the collecting data comprises collecting data from the corresponding vehicle (See Martin col. 9 lines 49-61) [claims 7, 8, 10, 16]. The supervisory location comprises a fixed location such that the sending the data comprises sending the data to the fixed location (See Martin col. 5 lines 45-48; Fig. 1) [claim 12]. The data is downloaded to a master computer at the supervisory location (See Martin col. 5 lines 45-48; Fig. 1; col. 4 lines 50-53) [claim 13]. A mobile gaming system is installed in a vehicle and supervised from a supervisory location. The system includes gaming equipment, an on-board computer linked to the gaming equipment. A vibration absorbing mounting device mounts the gaming equipment to the vehicle and a master computer at the supervisory location receives data from and sends data to the on-board computer (See Martin col. 5 lines 45-49; col. 8 lines 60-67; col. 9 lines 1-19; col. 10 lines 38-60; Figs 1; 4) [claim 14]. The on-board computer comprises a global positioning system module reporting the position of the vehicle (See Martin col. 5 lines 5-25) [claim 15]. A computer readable medium has a computer program embodied thereon. A computer conducts gaming in a mobile casino. The computer program comprises a first code segment instructing to collect gaming data and position information from the mobile casino. A second code segment instructs to transmit the gaming data and the position information to a control center and a third code segment instructs to calculate gaming revenue at each location of the mobile casino based on the gaming data and the position information (See

Martin col. 5 lines 5-49; col. 7 lines 11-13; col. 9 lines 20-30) [claim 17]. The gaming equipment is mounted in a compartment of a land-based motorized vehicle (See Martin col. 10 lines 16-37) [claim 18]. Communication is facilitated between the motorized vehicle and a remote supervisory location (See Martin col. 5 lines 5-9) [claim 19]. Mounting the gaming equipment comprises mounting the gaming equipment with shock absorption devices (See Martin col. 10 lines 45-49) [claim 20].

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Martin in view of Martinez's book Managing Casinos. Martin lacks in disclosing collecting video surveillance information. Martinez teaches of how casinos collect video surveillance information of the players playing the games (See Martinez pg. 245-248) [claim 4]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to collect video surveillance information in the invention of Martin. By having video surveillance, players are less likely to try to cheat at the games. Furthermore,

if a player cheats, the cheating is caught on tape and the player can be prosecuted easier.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Martin. Martin lacks in specifically disclosing a trailer. At the time the invention was made, it would have been an obvious matter of design choice to a person of ordinary skill in the art to use the invention of Martin in a trailer because Applicant has not disclosed that a trailer provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with any vehicle because the purpose of Martin's invention is to play casino games on mobile vehicles. Therefore, it would have been an obvious matter of design choice to modify Martin to obtain the invention as specified in claim 9.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Martin in view of Carter, SR., U.S. Patent Application Publication No. 2002/0147049 A1. Martin lacks in disclosing wireless transmission of the data to the supervisory location. Carter teaches of a mobile wagering system in which data is transmitted wirelessly from the mobile gaming unit to a supervisory location (See Carter ¶0014, ¶0027, ¶0035) [claim 11]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a wireless transmission system in the invention of Martin. By having a wireless transmission system, the gaming device is not restricted to

Art Unit: 3713

specific locations and can be moved around without the burden of wires keeping it in place. Wireless transmission are well known throughout the art and are popular due to their ability not to restrict one to a particular tethered location.

Citation of Relevant Prior Art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1. Itkis et al., U.S. Patent Application Publication No. US 2003/0104865 A1.

--Itkis discloses a wireless wagering system in which players use a mobile gaming unit to place bets with a casino.

2. Meritt, U.S. Patent No. 6,092,705.

--Meritt discloses a mounting apparatus for a video device in a vehicle.

3. Henderson et al., U.S. Patent Application Publication No. US 2004/0143494 A1.

--Henderson discloses a method for gambling on an airplane.

4. Fujimoto et al., U.S. Patent Application Publication No. US 2003/0203754 A1.

--Fujimoto discloses a game system where game information is transmitted wirelessly from a vehicle to a central gaming system.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julie K Brockett whose telephone number is 571-272-4432. The examiner can normally be reached on M-Th 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on 571-272-7147. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Julie K Brockett
Examiner
Art Unit 3713